

**NEW HAMPSHIRE BOARD OF NURSING
MINUTES
February 19, 2015**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION
1.0 Call to Meeting	Board members welcomed Carol Brody, MSN, EdD, RN, who has joined Board staff as Program Specialist IV.	Meeting called to order at 8:22 a.m. with K. Baranowski (KB), Vice-chair, presiding. Board members present: N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), H. Featherston (HF) Board members absent: A. Finn-Waddell (AF), B. Fersch (BF), J. Kuras (JK), C. Smith (CS) R. Duhaime (RD) joined Board at 10:00 a.m. Board staff present: D. Nies (DN), A. Pavlidis (AP), S. Goodness (SG), K. Dickson (KD)
1.1 Open Forum	None	
1.2 Addendum		
1.2.1 Additions		7.1.2.1 J. Donahue, add'l documentation 7.1.3.1 M. Buffum, Motion to Continue 7.2.9 J. Collins, VS in lieu of hearing (7.1.4) 8.1.1.1 L. Ryznal, add'l documentation 9.3.7 J. C., RN licensure by endorsement 10.3.4 RVCC, Termination of LPN Program 11.3.4 LPN/RN Scope of Practice: Refill or renew prescriptions
1.2.2 Deletions	None	
1.3 Appearances		7.1.1 L. Graf 8:30 a.m. 7.1.2 J. Donahue 9:00 a.m. 7.1.3 M. Buffum 9:30 a.m. 7.1.4 J. Collins 10:00 a.m. 8.1.1 L. Ryznal 11:00 a.m. 8.1.2 J. Diefenbach 1:00 p.m. 8.1.3 B. Bernier 1:15 p.m. 10.1.1 LRCC 1:30 p.m. 10.1.2 Keene State College 1:45 p.m. 8.1.4 E. Vozzella 2:45 p.m.

TOPIC	DISCUSSION	ACTION
		9.2.1 Z. Austin 3:00 p.m.
2.0 Approval of minutes 2.1 January 15, 2015 Regular Board meeting minutes	Reviewed and discussed.	M/NF, S/TC to approve minutes as written. Unanimous.
4.0 Report of Executive Director/Staff 4.1 Expense Summary Budget 4.3 Rules discussion	Reviewed and discussed. Since there is no money budgeted for tablets, use of FTP site for Board packets shall be tabled until further notice. Reviewed and discussed proposed rules.	
5.0 Attorney General 5.1 Agenda for annual general training program	Board members reminded of March 20, 2015 Annual Office of Attorney General Training Program.	
10.0 Education 10.3 Educational Issues 10.3.1 Harmony Health Care Institute 10.3.2 2014 NCLEX Pass Rates 10.3.3 Rivier University letter 10.3.4 River Valley Community College Termination of Practical Nursing Program	Reviewed and discussed letter received from Harmony Health regarding current student enrollments. Also reviewed was letter from ACCSC regarding current status of initial accreditation. Reviewed and discussed 2014 NCLEX pass rates. Reviewed and discussed request from Rivier University that status of Conditional Approval be returned to Full Approval since they are now in compliance with Board requirements. Reviewed and discussed letter from River Valley Community College Nursing informing Board of intent to terminate Practical Nursing Program pursuant to Nur 603.10 <u>Voluntary Termination</u> .	Based on delayed institutional accreditation approval and complaint of fiscal impropriety, Board strongly recommends that Harmony Health Care Institute suspend all student admissions until further notice. Based on low NCLEX scores, Board requests the following nursing programs be present at March 19, 2015 Board meeting: <ul style="list-style-type: none"> • Plymouth State University • NHTI, Concord's Community College M/TC, S/KK to grant <i>Full Continued Approval</i> to program. Unanimous. FYI.
7.0 Adjudicative (Investigator/Prosecutor) 7.1.1 Hearings 7.1.1 L. Graf, RN #044478-21	Hearing held for L. Graf, RN #044478-21, Docket #14-1222-0458 pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800,	M/NF, S/HF to affirm Hearing Counsel's Proposed Findings of Facts #1-#8; affirm Hearing Counsel's Proposed Rulings of Law #1; affirm Hearing

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	<p>proceeded at 8:23 a.m. with K. Baronowski, Vice-chair presiding. Board members present: N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), H. Featherston (HF) Board staff present: S. Goodness (SG), K. Dickson (KD), Michelle Heaton and Ryan Kuehne, Hearing Counsels for Board of Nursing Reading of Notice of Hearing waived. Respondent present to offer testimony. Hearing concluded at 8:30 a.m.</p>	<p>Counsels Proposed Sanctions #2-#5; amend Hearing Counsel's Proposed Sanctions #1 to dismiss with Letter of Concern and assess monetary penalty of \$1,500 to deter future misconduct and to defray costs associated with investigation and prosecution of case. Yea: NF, KK, KB, RP, HF Nay: TC Motion carries.</p>
<p>7.1.3 Monica Buffum, LNA Inactive LNA #050085-24</p>	<p>Reviewed and discussed Motion to Continue.</p>	<p>M/NF, S/KK to approve Motion to Continue. Unanimous.</p>
<p>7.1.2 J. Donahue RN Endorsement Applicant</p>	<p>Hearing held for J. Donahue, Docket #15-0203-0462 pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 9:00 a.m. with K. Baronowski, Vice-chair presiding. Board members present: N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), H. Featherston (HF) Board staff present: S. Goodness (SG), K. Dickson (KD), Michelle Heaton and Ryan Kuehne, Hearing Counsels for Board of Nursing Reading of Notice of Hearing waived. Respondent present to offer testimony. Hearing concluded at 9:12 a.m.</p>	<p>Decision deferred until March Board meeting.</p>
<p>7.1.4 J. Collins, LNA #015870-24</p>	<p>M/NF, S/KK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: HF, KK, TC, NF, KB, RP Non-public session began at 9:13 a.m. and concluded at 9:15 a.m.</p> <p>Reviewed and discussed proposed Voluntary Surrender.</p>	<p>M/TC, S/HF to accept Voluntary Surrender as proposed. Unanimous.</p>

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<p>7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/Preliminary Agreement for Practice Restrictions</p> <p>7.2.1 J. Santana, LPN (VS) #015281-22</p> <p>7.2.2 D. Brown, LNA (SA) #003291-24</p> <p>7.2.3 J. Barrett, LPN (VS) #016352-22</p> <p>7.2.4 J. Duprey Hurd, LPN (SA) #015217-22</p> <p>7.2.5 P. Fitzgerald, RN (SA) #028890-21</p> <p>7.2.6 A. Bunch, LNA (PA) #017011-24</p> <p>7.2.7 N. Brown, LNA (VS) #027650-24</p> <p>7.2.8 B. Weafer, RN (VS) #027850-21</p> <p>7.4 Dismissals (Proposed) 7.4.1 – 7.4.6</p>	<p>Previously reviewed.</p> <p>Removed from Consent Agenda for discussion.</p> <p>Previously reviewed.</p> <p>Removed from Consent Agenda for discussion.</p> <p>Removed from Consent Agenda for discussion.</p> <p>Removed from Consent Agenda for discussion.</p> <p>Previously reviewed.</p> <p>Previously reviewed.</p> <p>Previously reviewed 7.4.1 through 7.4.6.</p>	<p>RD joined Board at 10:00 a.m.</p> <p>M/HF, S/KK to approve Voluntary Surrender as proposed. Unanimous.</p> <p>M/TC, S/NF to approve Settlement Agreement as proposed. Unanimous.</p> <p>M/HF, S/KK to approve Voluntary Surrender as proposed. Unanimous.</p> <p>M/TC, S/NF to approve Settlement Agreement as proposed. Unanimous.</p> <p>M/TC, S/NF to approve Settlement Agreement as proposed. Unanimous.</p> <p>M/TC, S/NF to approve Settlement Agreement as proposed. Unanimous.</p> <p>M/HF, S/KK to approve Voluntary Surrender as proposed. Unanimous.</p> <p>M/HF, S/KK to approve Voluntary Surrender as proposed. Unanimous.</p> <p>M/HF, S/KK to approve recommendations for 7.4.1 through 7.4.6 as proposed. Unanimous.</p>

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7.5 Recommendations 7.5.1 – 7.5.3	Previously reviewed 7.5.1 through 7.5.3.	M/HF, S/KK to approve recommendations for 7.5.1 through 7.5.3 as proposed. Unanimous.
8.0 Adjudicative (Executive Director) 8.2 Recommendations (Proposed) 8.2.1 – 8.2.7 Letters of Concern and Dismissals (BF, LPN; recused Board member)	Previously reviewed 8.2.1 through 8.2.7.	BF recused. M/HF, S/KK to approve recommendations for 8.2.1 through 8.2.7 as proposed. Unanimous.
9.3 Licensure – non-appearances 9.3.1 – 9.3.6 Pending licensure in NH	Previously reviewed 9.3.1 through 9.3.6.	M/HF, S/KK to approve licensure in NH for 9.3.1 through 9.3.6. Unanimous.
8.0 Adjudicative (Executive Director) 8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions 8.1.1 L. Ryznal, RN #047047-21	L. Ryznal offered oral testimony in support of petition for removal of probation from NH RN license.	M/KK, S/TC to remove probation and all conditions from NH RN license. Unanimous.
11.0 Practice Inquiries and Practice Committee Reports 11.1 Liaison Committee (KK) 11.2 P & E Committee (NF) 11.3 Request for Board advice: 11.3.1 RN Scope of Practice: Administration of saline and air through IV for Bubble studies 11.3.2 LNA Scope of Practice: Assist physician with sclerotherapy injection 11.3.3 RN/LPN Scope of Practice: Increase voltage settings on deep brain stimulator	No meeting No meeting. Reviewed and discussed question of whether or not it is within RN scope of practice to administer saline and IV contrast for bubble studies. Reviewed and discussed question of whether or not it is within LNA scope of practice to assist physician with Sclerotherapy injection of methylene blue dye, India ink, saline or epinephrine into submucosa. Reviewed and discussed question of whether or not it is within RN or LPN scope of practice to increase voltage settings on deep brain stimulator.	Board requested further information and will schedule meeting for March 19, 2015. M/NF, S/KK that it is NOT within LNA scope of practice to assist physician with Sclerotherapy injection. Unanimous. M/NF, S/KK to affirm that it is within RN scope of practice NOT LPN scope of practice with proper education, training and competency.

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<p>11.3.4 RN/LPN Scope of Practice: Refill or renew prescriptions</p> <p>12.0 Committee Reports and Recommendations 12.1 HeM 1201 (TC)</p> <p>12.3 ADA (NF, AF, TC)</p>	<p>Reviewed and discussed question of whether or not it is within RN or LPN to refill or renew prescriptions if provider has approved standing order to permit it for routine, ongoing medications for stable patients who adhere to routine follow-up visits and are not a scheduled drug or a drug dependent on lab values (such as thyroid, Coumadin, Dilantin.)</p> <p>No meeting.</p> <p>No applicants.</p>	<p>Unanimous.</p> <p>M/NF, S/KK to affirm that it is within RN or LPN scope of practice to refill or renew prescriptions provided they have approved standing order.</p> <p>Unanimous.</p>
<p>10.0 Education 10.1 Consideration for Approval Status 10.1.1 Lakes Region Community College</p> <p>10.1.2 Keene State College</p>	<p>Reviewed and discussed Lakes Region Community College Interim Education Report and substandard NCLEX pass rates with Martha Pasquale, Chair.</p> <p>Reviewed and discussed Keene State College Interim Education Report and substandard NCLEX pass rates with Joan Earle Hahn, Director of Nursing.</p>	<p>Based on lack of evidence regarding improvement of student learning outcomes for Fall 2014 and Spring 2015 and lack of trended/aggregated data from ATI testing, Board recommends suspension of student admission and enrollment for admitting class of Fall 2015.</p> <p>Board had concerns and strongly recommended increase in faculty positions to at least one full time faculty and limit on further enrollment in nursing program.</p>
<p>8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions 8.1.3 B. Birner, RN/APRN #026213-21/23</p> <p>8.1.4 E. Vozzella, RN #056830-21</p>	<p>B. Birner appeared before Board with Kimberly Troland, Esq., in support of petition for modification of Board-ordered stipulations while in retirement status.</p> <p>E. Vozzella offered oral testimony in support of petition to reinstate NH RN license upon successful completion of re-entry program.</p>	<p>M/TC, S/KK to approve request for release from drug testing while in retirement status. Respondent must notify Board if he obtains nursing employment.</p> <p>Unanimous.</p> <p>M/NF, S/KB to grant temporary license to participate in NH Board approved re-entry program. Upon successful completion of re-entry program, Respondent shall appear before Board for approval for reinstatement.</p> <p>Unanimous.</p>

TOPIC	DISCUSSION	ACTION
13.0 Draft of LNA legislation (DN)	Discussed draft of legislation regarding LNA medication administration. Discussed looking into obtaining language from other states.	M/NF, S/KK to approve letter to be drafted regarding LNA medication administration. Unanimous.
14.0 National Council 14.1 NCSBN Compact Draft Option	DN to attend NCSBN midyear meeting in March. Plans to discuss changing compact rules and adoption of consensus model. Reviewed NCSBN Compact Draft Option. Option #3 was the option that all Boards may try to implement into statute. This would require that we ADOPT Option 3 at same time that current compact is REPEALED. This would allow 6-month transition to new process.	M/NF, S/TC to agree with Option 3 of the NCSBN Compact Draft Option. Unanimous.
17.0 Adjournment	Next regular meeting: March 19, 2015 8:00 a.m. NH Board of Nursing Conference Room B119 121 South St Concord, NH 03301	Meeting adjourned at 3:20 p.m. Respectfully submitted, Denise Nies, MSN, RN, BC Executive Director